

REMARKS

Claims 1-38 are pending in the instant application, and all of the pending claims are rejected. Moreover, claims 1, 11-15, 23, 29, 36 and 38 are objected to. As a preliminary matter, Applicants add new claims 39, 40 and 41 reciting microporous materials prepared by the processes claimed, and Applicants add new claims 42-53 corresponding to claims 31-38 which are cancelled herein. The new claims 42-53 merely recite the subject matter of claims 31-38 in "method" format. Upon entry of this Amendment and Response, claims 1-30 and 39-53 will be pending.

Correction of typographical errors

Applicants herein correct some minor typographical errors appearing in the specification as follows:

- On page 4, line 8 "hydratio" is corrected as "hydration;"
- On page 7, line 6, "preparatio" is rewritten "preparation;"
- On page 8, line 2, "filtratio" is corrected to "filtration;"
- On page 10, lines 15-16, "Baeyer-Villiger" is correctly spelled "Bayer-Villiger;"
- On page 10, line 28, "Bayer-Williger" is corrected to "Bayer-Villiger;"
- On page 10, line 30 "amoxymation" is correctly spelled "amoxydation;" and
- On page 11, line 14, "ITQ-15" is corrected as "ITQ-16."

No issue of new matter arises by way of these corrections as one of ordinary skill in the art would readily understand what is intended by the misspelled words.

Objection to the Claims

The Examiner objects to claims 1, 11-15, 23, 29, 36 and 38 because of numerous informalities. Applicants herein change the claim language so that the claims read in accordance with traditional United States practice. No issue of new matter arises by way of these changes since they are merely formal in nature. Specifically, Applicants correct each of the enumerated informalities as follows:

In claim 1, "Table 1" is changed to "Table I,"

In claim 1, "such as" is removed;

In claim 3, "comprised between" is removed as the claim is cancelled;

In claim 11, $\text{H}_2\text{O}/(\text{SiO}_2+\text{GeO}_2)$ begins on a new line and the "+" sign is placed in proper plain text;

In claims 12 and 15, the zero is changed to "O" in silicon dioxide;

In claims 23 and 24, "alkaline or alkaline earth cations" is changed to "alkali metal or alkaline earth metal cations;"

In claim 29, the language is changed to clarify that the subject formula refers to the composition obtained by roasting;

In claim 36, the offending "any one of claim 1" language is removed and the claim rewritten in "method" form; and

In claim 38 the misspelled "accordint" is corrected to "according" as the claim is rewritten in "method" form.

No issue of new matter arises by way of these corrections as one of ordinary skill in the art would readily understand what is intended even though minor errors or formality insufficiencies may exist.

Rejection under 35 U.S.C. 112, second paragraph

The Examiner rejects claims 1-38 under 35 U.S.C. 112, second paragraph as unclear because of extensive informalities and failures to comply with traditional United States claim language. In claim 1, Applicants rewrite the claim to remove "like," to remove reference to the relative particular peak intensities, and to recite active process steps. In claim 2, Applicants remove the offending "type," "some," and "nitrogen atoms." Applicants employ the preferred Markush language "selected from the group consisting of" in each instance suggested by the Examiner. Claim 3 is cancelled so that claim 8 can no longer be redundant. In claims 16-18 and 19-22, Applicants remove reference to "infinity" and recite that the range intended is "at least" the lower limitation mentioned in each claim. Similarly, in claims 23-28, Applicants remove reference to "0"

and recite that the range intended is “less than” the upper limitation mentioned in each claim. In claim 32, Applicants remove the offending “gentle” as the claim is rewritten in “method” format. In claim 36, positive steps are recited as the claim is rewritten in “method” form.

Rejection under 35 U.S.C. 101

The Examiner rejects claim 36 under 35 U.S.C. 101 as not reciting steps involved in the process. Applicants herein cancel claims 31-38, and rewrite the subject matter described in the claims in “method” format as new claims 42-53. Claims 42 and 43 correspond to claim 31. Claims 44-48 correspond to claim 33. Claim 49 corresponds to claim 34. Claim 50 corresponds to claim 35. Claim 51 corresponds to claim 36. Claim 52 corresponds to claim 37, and claim 53 corresponds to claim 38.

Rejection under the judicially created doctrine of obviousness-type double patenting

The Examiner provisionally rejects claims 30-38 under the judicially created doctrine of obviousness-type double patenting over claims 1-6 and 19-26 of copending Application No. 10/412,624. Applicants indicate their willingness to consider filing a Terminal Disclaimer thereby obviating any double patenting issues upon notification of allowable subject matter.

Fees

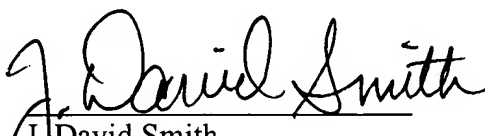
Enclosed is a check in the amount of \$150.00 for additional fees resulting from additional new claims. No additional fees are believed to be necessitated by the instant Response. However, should this understanding be erroneous, authorization is hereby given to charge Deposit Account No. 11-1153 for any underpayment, or to credit any overpayments.

CONCLUSION

Applicants respectfully request entry of the foregoing Amendments and Remarks. The Claims as amended are believed to be in condition for allowance, and withdrawal of all of the outstanding rejections is therefore believed in order. Early and favorable action on the claims is earnestly solicited. Should a discussion be helpful in resolving any outstanding issues, the Examiner is invited to telephone the undersigned at (201) 487-5800.

Respectfully submitted,

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